IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUNATION SHEET
CIVIL APPLICATION NO.258 **OF 2007**
IN
APPEAL FROM ORDER NO.34 OF 2003

Shivaji Sahakari Bank Ltd. ...Applicant

vs.

Shobhanaben Dheeraj Doshi & Ors. ...Respondents

Mr.A.S.Desai for the Applicant.
Mr.Shelke h/f Mr.A.A.Kumbhakoni for Respondent No.1 & 2
Mr.A.B.Borkar for Respondent Nos.3 & 4.

CORAM: A.S.OKA, J.
DATE : MARCH 23,2007.

P.C.:

1. This Application is by the original Appellant praying for following relief :

a) Pending the hearing and final disposal of the above Appeal from Order, this Hon'ble Court be pleased to grant liberty and/or leave to the Applicant to initiate proceeding under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002 against the suit property which is mortgaged with the Applicant Bank as a security for repayment of the loan."

2. After having heard the Advocates for the parties, it is obvious that the prayer made in this Application is misconceived. This Court has not passed any order in this

Appeal from Order which requires or warrants grant of permission which is sought by the Applicant. The issue whether the Applicant is entitled to take action under the said Act of 2002 cannot be gone into in the pending Appeal as the scope of the pending Appeal is completely different. Only on this ground, Application is not entertained and the same is rejected.

3. If the Appeal from Order is ready for hearing, the same shall be placed on final hearing board on 4th April 2007.

JUDGE